EXHIBIT A

ATTORNEYS AT LAW

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SAN JOSE, CALIFORNIA 95110

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September 18, 2007

Via Facsimile

Daniel S. Mount, Esq. Kevin M. Pasquinelli, Esq. MOUNT & STOELKER PC River Park Tower, Suite 1650 333 W. San Carlos San Jose, CA 95110

Re: Verigy US, Inc. v. Romi Omar Mayder, et al.

USDC, N. District of Calif., Case No. C07 04330 RMW (HRL)

Dear Messrs. Mount and Pasquinelli:

We write to begin the process of meeting and conferring, pursuant to Rule 37 of the Federal Rules of Civil Procedure and Rules 1-5(n) and 37-1(a) of the Civil Local Rules for the United States District Court for Northern District of California, concerning deficiencies in the responses to requests for production of documents by defendants Romi Mayder and Silicon Test Systems, Inc. ("STSI"), respectively. As discussed and set forth in detail below, Romi Mayder's and STSI's responses to production requests nos. 10, 17, and 22-23 and 24 propounded plaintiff Verigy US, Inc. ("Verigy") are all deficient. In addition, there are a number of global problems with your production which we would like you to correct.

1. Request No. 10

Verigy's respective requests for production no. 10 require Romi Mayder and STSI to produce "[a]ll COMMUNICATIONS between YOU and Verigy's existing or potential customers, clients or suppliers with whom YOU came into contact, or whose identities were learned, solely as a result of employment with VERIGY."

Romi Mayder and STSI each respond that "[a]ny communications with existing Verigy customers, clients or suppliers were contacted outside the scope of Verigy employment," and thus: "No documents will be produced." (Emphasis added).

Romi Mayder's and STSI's response do not correspond with the respective requests. Verigy is not asking for communications with existing or potential customers, clients or suppliers contacted within the scope of Mayder's employment with Verigy.

AFFILIATED COUNSEL: BERGESON & CAMPBELL WASHINGTON, D.C. 20005 Page 2 of 59

Daniel S. Mount, Esq. Kevin M. Pasquinelli, Esq. September 18, 2007 Page 2

Verigy seeks all communications with existing or potential customers, clients or suppliers "with whom Mayder [and STSI] came into contact, or whose identities were learned, solely as a result of employment with VERIGY." The responses are thus non-responsive, and the concomitant refusal to produce any responsive documents is indefensible. Please amend the responses and agree to produce responsive documents and produce such documents forthwith.

2. Request No. 17

Verigy's respective request for production No. 17 require Romi Mayder and STSI to produce "[a] bit for bit copy (in machine readable form) of all hard drives of all computers, including, but not limited to, desktop computers, laptop computers, USB memory devices, PDAs, and other memory storage devices that have been or are currently used by YOU."

Romi Mayder and STSI object to the request on the grounds that it is "exceedingly overbroad" and "unlikely to lead to relevant information" and that such response "would leave unprotected all data privileged, confidential, work product protected, and private information, as well as private personal information." Romi Mayder and STSI each accordingly refuse to make a responsive production: "Bit for bit copies of the digital devices will not be produced." (Emphasis added.)

Romi Mayder's and STSI's refusal is inappropriate. When a party agrees to produce, or is ordered to produce, electronic documents as maintained in the ordinary course of business, the documents should be produced with metadata intact. Schwarzer, Tashima & Wagstaffe, California Practice Guide: Civil Procedure Before Trial (2007), ¶11:1862.

Further, Mr. Pasquinelli specifically agreed in a conversation with Verigy attorneys Jay Fowler, Michael Stebbins and Mindy Morton of this office on August 29, 2007 that such bit for bit copies, or otherwise stated a mirror image of his hard drive, would in fact be produced. This was confirmed by Ms. Morton in an e-mail dated August 30, 2007. Subsequently, Mr. Pasquinelli contended he had misunderstood the Court's August 24, 2007 order and advised us that the defense would not be producing the bit for bit copies. Yet, there was no misunderstanding. The Court's order only requires preservation of the hard drive. Therefore, counsel's reneging on the prior agreement to produce a mirror image of the hard drive is indefensible.

Romi Mayder and STSI contend that certain files do not exist or have been destroyed, which is all the more reason to see a mirror image of the hard drive. Verigy is

Daniel S. Mount, Esq. Kevin M. Pasquinelli, Esq. September 18, 2007 Page 3

in possession of various communications authored by Romi Mayder showing that that he has actively engaged in a pattern of altering documents and concealing the truth about certain events. As Magistrate Judge Lloyd has said, in such circumstances, "where data is likely to be destroyed," it is appropriate for a mirror image of the relevant computer hard drive to be produced. Memry Corp. v. Kentucky Oil Technology, N.V., 2007 WL 832937 (N.D. Cal. March 19, 2007) (Lloyd, M.J.), citing, Ameriwood Industries, Inc. v. Liberman, 2006 WL 3585291 (E.D.Mo. December 27, 2006); see also, Schwarzer, Tashima & Wagstaffe, supra, ¶ 11:1874.

Accordingly, please amend the responses to Request No. 10 and produce the mirror image of the hard drive forthwith.

3. Requests Nos. 22 and 23

Verigy's respective requests for production nos. 22 and 23 require Romi Mayder and STSI to produce "[a]ll provisional patent applications filed with the United States Patent and Trademark Office ("USPTO") after May 1, 2006 listing YOU as an inventor," and "[a]ll COMMUNICATIONS between YOU and the USPTO REFERRING OR RELATING TO provisional patent applications filed with the USPTO after May 1, 2006 listing YOU as an inventor."

Romi Mayder and STSI object to these requests, asserting that Verigy has not demonstrated the "heightened relevancy standard" of a "clear showing of relevancy of [the] application to issues involved in the present litigation" and suggesting that such application would only be "tangential" to issues of ownership involved in the action. Romi Mayder and STSI have refused to produce any responsive documents. Yet, it is difficult to conceive a scenario where patent applications could be more centrally and inextricably linked to the issues in this lawsuit. Romi Mayder and STSI have allegedly misappropriated Verigy trade secrets and confidential information, and are allegedly unfairly competing with Verigy. The timing and content of any patent applications made by Romi Mayder or STSI are pivotal to the issues in this lawsuit.

Indeed, Romi Mayder and STSI have agreed to produce documents relating to a specific patent application in response to Requests for Production Nos. 19-21. There is no basis for him to assert a different standard regarding Requests Nos. 22-23 concerning any other patent applications Romi Mayder or STSI may have filed or been listed on. Any such patent applications necessarily relate to memory chip testing, the relevant technology in this case, because that is the only business that Romi Mayder and STSI are involved in. Accordingly, please amend the responses to Requests Nos. 22-23 and produce responsive documents forthwith.

Daniel S. Mount, Esq. Kevin M. Pasquinelli, Esq. September 18, 2007 Page 4

4. Request No. 24

Verigy's Request for Production No. 24 requires Romi Mayder and STSI to produce "[a]II DOCUMENTS YOU downloaded from ANY VERIGY computer REFERRING OR RELATING to VERIGY'S operations and products."

STSI responds that it cannot locate any such documents. However, Romi Mayder objects that producing responsive documents would be "enormous and unrelated to the existing dispute" since Mayder worked on various projects while at Verigy and that any downloading was pursuant to his employment at Verigy. Romi Mayder accordingly refuses to produce any documents: "No documents will be produced."

It is ironic, and of considerable concern to Verigy, that Romi Mayder is taking a position that he remains in possession of such a considerable quantity of documents downloaded from a Verigy computer that production thereof would be "enormous" and, by implication, onerous. Romi Mayder was obliged, pursuant to his employment agreement and confidentiality agreement to return all Verigy documents to Verigy upon termination of his employment. As such, he should *not* be in possession of any Verigy documents, let alone such a vast quantity that production of copies of such documents would be onerous. Thus, any burden imposed by this request is necessarily *not* an unfair one but instead a burden of Romi Mayder's own making. Accordingly, please amend Romi Mayder's response to Request No. 24 and produce responsive documents forthwith.

5. Global Production Problems

There are three persistent or "global" problems which pervade your production:
(1) the majority of the emails produced are missing attachments; (2) it appears that all of the documents in your production, without exception, are marked "Highly Confidential," and (3) there are a numerous documents missing Bates numbers or which contain duplicate Bates numbers.

First, by producing emails without the attachments you are not fully responding to the document requests. Even if the attachments are found elsewhere in the production, Verigy has no way of discerning which attachments go with which emails. My colleague Mindy Morton sent you an email on September 12 asking you to remedy this problem as soon as possible, but you have not responded. We have on Verigy's behalf expended significant time and resources to review the numerous emails produced by defendants and we will have to re-review these emails with the attachments once they are properly

Daniel S. Mount, Esq. Kevin M. Pasquinelli, Esq. September 18, 2007 Page 5

produced. Accordingly, please re-produce these emails with the associated attachments by September 24, 2007 in paper format. In addition, please produce just one copy of the emails so that Verigy is not forced to waste further time and resources re-reviewing numerous duplicates.

You have designated every page of the approximately 50,000-page production as "Highly Confidential." Pursuant to section 5.1 of the Stipulated Protective Order, "Mass, indiscriminate, or routinized designations are prohibited. Designations that are shown to be clearly unjustified, or that have been made for an improper purpose (e.g., to unnecessarily encumber or retard the case development process, or to impose unnecessary expenses and burdens on other parties), expose the Designating Party to sanctions." Therefore, please review your production and inform Verigy of the proper designations for the documents by September 24, 2007.

Finally, we've located the following problems with the Bates numbering of your production. The Bates ranges SITES006573-6668 and SITES006675-6999 are missing. We were unable to print SITES005483-5516. Further, SITES006221-6268 was used twice and SITES006269-6316 was used three times. Please remedy these problems by September 24, 2007.

In closing, unless you are prepared to accede in full to the requests made in this letter, we propose a telephone conference call to further the meet and confer process. Please advise as to your availability for a call on or before Thursday, September 20, 2007.

Regards,

Dopaid P. Gagliardi

DPG:gs

Attorneys At Law 303 Almaden Boulevard, Suite 500 San Jose, California 95110-2712 Telephone (408) 291-6200 Facsimile (408) 297-6000

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FACSIMILE COVER LETTER

September 18, 2007

TO:

Daniel S. Mount, Esq.

Kevin M. Pasquinelli, Esq.

FIRM:

MOUNT & STOELKER PC

CITY & STATE:

San Jose, CA 95110

TELEPHONE #:

408.279.7000

FACSIMILE #:

408.998.1473

CLIENT #:

9017.002

SUBJECT:

Verigy US, Inc. v. Romi Omar Mayder, et al.

FROM:

Donald P. Gagliardi, Esq.

RETURN TO:

Gail Simmons

.

TOTAL NUMBER OF PAGES INCLUDING COVER LETTER:

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MESSAGE:

Please see the attached.

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DATE, TIME FAX NO. /NAME DURATION PAGE(S) RESULT 09/18 18:00 99981473 00:02:00 06 OK STANDARD

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Attorneys At Law 303 Almaden Boulevard, Suite 500 San Jose, California 95110-2712 Telephone (408) 291-6200 Facsimile (408) 297-6000

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FACSIMILE COVER LETTER

September 18, 2007

TO:

Daniel S. Mount, Esq.

Kevin M. Pasquinelli, Esq.

FIRM:

MOUNT & STOELKER PC

CITY & STATE:

San Jose, CA 95110

TELEPHONE #:

408.279.7000

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408.998.1473

CLIENT #:

9017.002

SUBJECT:

Verigy US, Inc. v. Romi Omar Mayder, et al.

FROM:

Donald P. Gagliardi, Esq.

RETURN TO:

Gail Simmons

TOTAL NUMBER OF PAGES INCLUDING COVER LETTER:

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EXHIBIT B

Filed 10/02/2007

From: Kevin M. Pasquinelli [mailto:kpasquinelli@MOUNT.com]

Sent: Thursday, September 20, 2007 9:58 AM

To: Donald P Gagliardi

Cc: Daniel S. Mount; Michelle McManus; Kevin M. Pasquinelli

Subject: Meet and Confer Letter

Mr. Gagliardi,

I am in receipt of your meet and confer letter in the matter of Verigy US, Inc. v. Romi Omar Mayder, et al. As your firm is award Mr. Mount is out of the office on a personal trip until September 25, 2006, and is unlikely to be available to comment on your letter. I will endeavor to communicate with him, but cannot assure such until his return. I will submit to you a formal response no later than his return, hopefully sooner.

Until that time please accept the following good faith efforts related to your production concerns that I will work on immediately:

- 1. I will reproduce email communications with their attachments immediately following. I will attempt to minimize any duplicate production, but since email systems tend to reproduce email regularly (sent items, deleted items, etc) I feel it would be inappropriate to filter what I cannot be certain is a duplicate. I will send these to you in .pdf. You can choose to print what you feel is appropriate as only you can determine which documents will be of use to you.
- 2. I will check into your concerns about being unable to print certain documents. Some of the documents were codeworded for security purposes by other entities. I will see what can be done.
- I will check the missing and overlapping Bates codes and send you a communication on whether any changes are necessary, or if you are missing any production.

Regards,

Kevin Pasquinelli

Kevin Pasquinelli, Esq.

Mount & Stoelker P.C. RiverPark Tower, Suite 1650 333 W San Carlos San Jose, CA 95110 Tel: (408) 279-7000 x1126

Fax: (408) 998-1473

e-mail: kpasquinelli@mount.com

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EXHIBIT C

ATTORNEYS AT LAW 303 ALMADEN BOULEVARD, SUITE 500 SAN JOSE, CALIFORNIA 95110 TELEPHONE (408) 291-6200 FACSIMILE (408) 297-6000 WWW.BE-LAW.COM

CONFIDENTIAL

September 24, 2007

Via Facsimile

Daniel S. Mount, Esq. Kevin M. Pasquinelli, Esq. MOUNT & STOELKER PC River Park Tower, Suite 1650 333 W. San Carlos San Jose, CA 95110

> Re: Verigy US, Inc. v. Romi Omar Mayder, et al.

USDC, N. District of Calif., Case No. C07 04330 RMW (HRL)

Dear Messrs. Mount and Pasquinelli:

This follows up on my previous letter. We have additional concerns regarding the documents by defendants Romi Mayder and Silicon Test Systems, Inc. ("STSI"), respectively.

- (1) We have not received any emails from Romi Mayder's vahoo email address. romi_mayder@yahoo.com. Please either produce responsive emails from such address immediately or advise in writing that none exist.
- (2) Although we have received copies of emails between Romi Mayder and Wes Mayder resident on Wes Mayder's computer, we have not received any such emails from Romi Mayder's computer. Please produce all responsive emails between Wes Mayder and Romi Mayder from the latter's computer.
- (3) Although we understand that Romi Mayder conducted STSI business on his wife's email address, we have not received any emails from such address. Please either produce responsive emails from such address immediately or advise in writing that none exist.
- (4) We are concerned that Romi Mayder may have stored emails from his STSI account online with Network Solutions rather than on his computer. Please either produce responsive emails so stored immediately or advise in writing that none exist.

AFFILIATED COUNSEL: BERGESON & CAMPBELL COSHREDEN STIALOOS

Daniel S. Mount, Esq. Kevin M. Pasquinelli, Esq. September 24, 2007 Page 2

Further, no responsive documents appear to have been produced in response to certain enumerated document requests, nos. 5-6, 7, 16, 18-20, and 23.

Requests Nos. 5-6. There appears to be almost nothing predating September 22, 2006 relating to memory testing or otherwise (relating to anything at all). If indeed no such documents exist, it is inconceivable how a provisional patent application could have been prepared dated less than a week later, on September 28, 2006.

Request No. 7. There appears to be no communications between Romi Mayder and Bob Pochowski dated prior to September 22, 2006. Again, this is inconceivable.

Requests Nos. 16, and 18-20. There appears to be very little documentation referring to the Picasso ASIC and almost nothing regarding its development. Moreover, there are no notes of Mr. Mayder's meetings with his prospective suppliers and customers both before and after September 22, 2006, except for some meetings referenced in lab notebook 1001. We believe Mr. Mayder took details notes of all such meetings.

Request No. 23. We appear to be missing the file wrappers for STS's patents.

We request that these issues also be discussed during our meet and confer call tomorrow afternoon, Tuesday September 25.

Regards,

Donald P. Gagliardi

DPG:gs

Attorneys At Law
303 Almaden Boulevard, Suite 500
San Jose, California 95110-2712
Telephone (408) 291-6200
Facsimile (408) 297-6000

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FACSIMILE COVER LETTER

September 24, 2007

TO:

Daniel S. Mount, Esq.

Kevin M. Pasquinelli, Esq.

FIRM:

MOUNT & STOELKER PC

CITY & STATE:

San Jose, CA 95110

TELEPHONE #:

408.279.7000

FACSIMILE #:

408.998.1473

CLIENT #:

9017.002

SUBJECT:

Verigy US, Inc. v. Romi Omar Mayder, et al.

FROM:

Donald P. Gagliardi, Esq.

RETURN TO:

Gail Simmons

TOTAL NUMBER OF PAGES INCLUDING COVER LETTER:

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Attorneys At Law 303 Almaden Boulevard, Suite 500 San Jose, California 95110-2712 Telephone (408) 291-6200 Facsimile (408) 297-6000

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FACSIMULE COVER LETTER

September 24, 2007

TO:

Daniel S. Mount, Esq.

Kevin M. Pasquinelli, Esq.

FIRM:

MOUNT & STOELKER PC

CITY & STATE.

San Jose, CA 95110

TELEPHONE #:

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FACSIMILE #:

408.998.1473

CLIENT #:

9017.002

SUBJECT:

Verigy US, Inc. v. Romi Omar Mayder, et al.

FROM:

Donald P. Gagliardi, Esq.

RETURN TO:

Gail Simmons

TOTAL NUMBER OF PAGES INCLUDING COVER LETTER:

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EXHIBIT D

MOUNT & STOELKER, P.C.

ATTORNEYS

TO:	FROM:
Donald P. Gagliardi, Esq.	Kevin Pasquinelli, Esq.
COMPANY: Bergeson, LLP	DATE: SEPTEMBER 25, 2007
fax number (408) 297-6000	TOTAL NO. OF PAGES INCLUDING COVER-
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NOTES/COMMENTS:

MOUNT & STOELKER, P.C.

ATTORNEYS

RIVERPARK TOWER, SUITE 1650 333 WEST SAN CAPLON STREET 6AN JOSE, CALIFORNIA 95110-2740 TELEPHONE: (408) 279-7000 FACSIMILE: (408) 998-1472

September 25, 2007

Via Facsimile

Donald P. Gagliardi Bergeson, LLP 303 Almaden Blvd. Suite 500 San Jose, CA 95110

Re:

Verigy US, Inc. v. Romi Omar Mayder, et al.

USDC, N. District of Calif., Case No. C07 04330 RMW (HRL)

Our File No.: SITES001

Dear Mr. Gagliardi,

Thank you for your letter beginning the process of meeting and conferring, pursuant to Rule 37 of the Federal Rules of Civil Procedure and Rules 1-5(n) and 37-1(a) of the Civil Local Rules for the United States District Court for the Northern District of California, concerning alleged deficiencies in responses to request for production of documents by defendants Romi Mayder and Silicon Test Systems, Inc. ("STSI"), respectively. While there were some minor production concerns, which have since been addressed, your characterization of Defendants' responses to production requests nos. 10, 17 and 22-23, and 24 as deficient are unfounded. There is strong law and facts supporting each response, which I discuss infra.

Request No 10 [Propounded on both Mayder individually and STSI]

As stated in your letter "Verigy seeks all communications with existing or potential customers, clients, or suppliers' with whom Mayder [and STSI] came into contact, or whose identities were learned, solely as a result of employment with Verigy." As stated in our response "no communications exist between ROMI [Mayder] and 'Verigy's existing or potential customers, clients or suppliers with . .. whose identities were learned solely as a result of employment with Verigy." Mr. Mayder has been in the semiconductor test market for almost fifteen (15) years, seven (7) before employment with Verigy. Over this time, Mr. Mayder has made hundreds of contacts in the industry, none solely as the result of his employment with Verigy. In addition, STSI has successfully sought out many contacts in the industry entirely separate from Verigy.

Donald P. Gagliardi September 25, 2007 Page 2

Request No. 17 [Propounded on both Mr. Mayder individually and STSI]

You express concerns with Defendants' response to Request No. 17, which refuses to produce a bit for bit copy of the disk drives of STSI and Mr. Mayder. You make two objections, (1) that documents should be produced with metadata in tact, and (2) that documents have been destroyed. Both arguments ignore existing law and make accusations that are unfounded.

First, as articulated in the actual production of documents, Defendants are squarely within their rights for such an objection. The existing production was done in .pdf under FRCP 34, in compliance with the courts order, our protective order, and the duty to our clients.

Under Rule 34, the requesting party may request that ESI be produced in a particular format. If the RFP does not specify a format, then the producing party may choose the format for production—including native formats, PDF, paper, or any other format that is "reasonably usable". In the current RFPs a specific form is not requested for ESI.

The confidentiality protective order in this action requires that matter designated as confidential or attorneys-eyes-only be so marked on every page. The protective order does not contemplate the production of confidential ESI that is not marked on every page. Marking each page of ESI any native file format will require modification of the native file. It is therefore "not possible" to produce the native file formats and remain in compliance Rule 34 and this court's orders at the same time.

The cheapest and most convenient form of production is in portable document format (PDF). PDF readers are very common and come installed on most computers available today. Also, Verigy's counsel is required by local rule to have software capable of reading ESI in PDF form. We may, therefore, safely assume that Verigy and its counsel have such software. PDF format is therefore "reasonably usable" to the requesting party.

We also understand that for some files you may wish to obtain additional meta data not included in the produced file. We will work with you to obtain this as is appropriate and possible.

Furthermore, contrary to the allegations, Defendants make no assertion that documents have been destroyed. Defendants have made repeated and continuous assurances (both written and oral) that Mr. Mayder and STSI's disk drives have been copied, as per opposing counsel's request, and remain in the possession of Mount & Stoelker or a neutral third party computer forensic specialist. Therefore, no information or data has been destroyed, and there is no risk of losing evidence.

Donald P. Gagliardi September 25, 2007 Page 3

Request Nos. 22 and 23 [Propounded o both Mr. Mayder individually and STSI]

You appear to make two arguments in response to the heightened relevancy standard; (1) that there is no basis to assert a different standard than that asserted in requests Nos. 19-21, (2) that because STSI exists and is in the semiconductor testing business any patents filed by it must be relevant.

Concerning your first argument, Defendants have the choice to assert or not assert their rights. Therefore, whether Defendants asserted their rights in response to requests nos. 19 through 21 is immaterial regarding the validity of a heightened standard for request nos. 22 and 23.

Your second argument claims that "it is difficult to conceive a scenario where patent applications could be more centrally and inextricably linked." In fact, such a scenario exists in this case. Any patent applications that have been filed by Mr. Mayder, or STSI, not produced in response to nos. 19 through 21, do not claim priority or continuation from Provisional Patent Application Serial No. 60/827,253 entitled "Universal ASIC for Doubling ATE Resources" filed September 28, 2006 or any subsequent utility patent application based on that provisional.

Your argument continues, stating that "any such patent applications necessarily relate to memory chip testing." The central dispute in the case is not whether STSI has invented something new in "memory chip testing," but whether STSI is using Verigy trade secrets. As plead, STSI is not using Verigy trade secrets in its products or patent applications.

Request No. 24

You argue that it is of considerable concern to Verigy that Mr. Mayder remains in possession of a considerable quantity of documents downloaded from a Verigy computer. The response said that no documents would be produced. It did not say that such documents were in the possession of Mr. Mayder. To the extent that the response might be ambiguous or misinterpreted, I will clarify.

Since there was no date range specified, the scope encompassed was well beyond Verigy confidential documents pertaining to memory test (could include any publicly available documents related to Verigy), and could apply to any document downloaded by Romi since his birth, we objected that a search for such would be clearly overbroad. This was in no way intended to imply that Mr. Mayder was in possession of a vast quantity of such content, merely that even considering such a search was improper.

To the extent that this response left you unsatisfied, know that Mr. Mayder has returned and produced all Verigy confidential documents as per requests 1 through 4, Mr. Mayder has complied fully with the temporary restraining order as responded to in interrogatory no. 6. Subsequent to the original response, Mr. Mayder has completed a diligent search for any such documents that is currently within his custody or control and

Donald P. Gagliardi September 25, 2007 Page 4

has found no documents that have not already produced. Therefore, no additional documents will be produced.

Production Problems

You state three minor concerns; (1) that emails are missing attachments, (2) that all documents are marked "HIGHLY CONFIDENTIAL," and (3) that there are some minor concerns with Bates codes on a few pages out of fifty thousand. I address each in turn.

First, all emails produced have been produced with attachments, albeit that they may not be attached directly following the original small. To the extent that attachments remain together with the underlying email and can be produced together (e.g. one immediately following the other) I will do such by September 26, 2006, on a CD ROM in pdf as previously communicated. Also, as previously mentioned it is not possible to ensure that there will never be a duplicate production of an email as emails are commonly copied in multiple directories. These documents are numbered 50,201 to 50,884, inclusive.

Second, the documents are marked HIGHLY CONFIDENTIAL because they contain STSI trade secrets, the trade secrets of third parties under which STSI has confidentiality agreements, or alleged Verigy trade secret or confidential content. This really leaves nothing else in the production. If there are specific Bates codes where you feel such a protection is improper that you would like to have changed, please request such.

Third, you expressed concerns over specific Bates codes.

- 1. Bates ranges SITES006573-6668 and SITES006675-6999 are missing. These numbers were skipped. There are no corresponding documents.
- 2. You were unable to print SITES005483-5516. Indeed this file proved hazardous for me to print. I have subsequently found a way to remove the security restriction that was preventing printing. The updated file will be produced on the CD with the emails and attachments.
- 3. SITES006221-6268 was used twice. I have only uncovered a single entry in for this range. The file is named Hewlett Packard 12-4pdf.pdf. If there is another file with these Bates codes please let me know. If you wish to use them as evidence I will renumber them.
- 4. SITES006269-6316 was used three times. I have only uncovered duplicate entries for these codes in the following files:

File	Bates Codes	Remedy
HP 8-51 pdf.pdf (pp 1-22)	6269-6290	No change
HP 8-52 pdf.pdf (pp 1-26)	6291-6316	No change
HP 12-4 (pp 49-97)	6269-6316	Renumbered to 50,884 to
		50,931

Document 37-7 Filed 10/02/2007 MOUNT&STOELKER

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PAGE 05/05

Donald P. Gagliardi September 25, 2007 Page 5

As previously mentioned, we will contact you to schedule a meet and confer meeting soon upon the return of Mr. Mount.

Regards,

in M. Pasquinelli Kevin M. Pasquinelli Attorney for Defendants

EXHIBIT E

From: Kevin M. Pasquinelli [mailto:kpasquinelli@MOUNT.com]

Sent: Thursday, September 27, 2007 5:40 PM

To: Donald P Gagliardi

Cc: Daniel S. Mount; Daniel H. Fingerman; Kevin M. Pasquinelli

Subject: FW: Action Items from Yesterday's Meeting

Don,

As per our phone call moments ago. Please let me know if you agree with this understanding.

1. The following documents have been inadvertently produced that should be protected under attorney client privilege.

Bates codes:

2801-2803,

2806-2808,

2809-2810.

2811-2815,

2816-2820,

2821-2837,

2843-2845,

2851-2853,

1585-1587.

1742-1743

Please delete these bates codes immediately and do not review. We intended no waiver by such a production but was an unfortunate oversight due to the pressure of a compressed schedule and broad discovery requests. This list is not necessarily exhaustive, but I am unaware of any other communications between Defendants in this case and their attorneys that have been produced. If such exists, it is an oversight and we ask that you delete it immediately.

- Attached is a privilege log which outlines each of the communications protected under a
 privilege as per FRCP 26. This log includes the above files and many others from prior
 productions. It does not include any privileged documents withheld from today's
 production, as per my email below. The updated privilege log will be sent subsequently.
- 3. Rather than make motions concerning this inadvertent production and privilege log and the relevancy of STS patents to the existing dispute we agree to disclose STS patent applications by next Tuesday, October 2nd, 2007 in exchange for Verigy's commitment not to file a motion concerning any waiver of privileges related to inadvertent disclosure of the documents or lack of a prior disclosure of the privilege log.

Please email confirming agreement with the aforementioned.

Thanks,

Kevin

From: Kevin M. Pasquinelli

Sent: Thursday, September 27, 2007 1:00 PM

To: Donald P Gagliardi

Cc: Mindy Morton; John Fowler; Daniel S. Mount; Michelle McManus; Daniel H. Fingerman; Kevin

M. Pasquinelli

Subject: Action Items from Yesterday's Meeting

Don, Mindy, Jay:

As per our discussion yesterday, here is a status of where we are at:

- 1. Production of emails with attachments. The CD is ready. You can have someone come by and pick it up this afternoon or tomorrow. If not picked up by tomorrow afternoon, I'll drop in the mail.
- 2. Other email accounts:
 - a. Romi.mayder@yahoo.com: I will produce documents. I will formally respond. There is little if anything here.
 - b. Wes Mayder emails: I will have Wes send me his email communications with Romi to myself and I will produce.
 - Mrs. Mayder's email address. I have actually included these documents on the CD of #1 above.
 - d. Network solutions emails: I will check this account and will produce.
- 3. I will discuss obtaining the file wrapper of the first STS patent with David Schneck.
- 4. I will update the RFP responses regarding #10, #24.
- 5. Confidentiality Markings:
 - a. I will reduce the privilege level on the datasheets from Highly Confidential to Confidential.
 - I will speak with Mr. Mayder about reducing the confidentiality level in the lab notebook.
 - c. I will review the confidentiality markings over the next month and change as appropriate by Oct 25th. Before that time Verigy may request a reduction in level and I will approve if appropriate.
- 6. Inadvertent Production, Privilege Log and disclosure of patent documents. I think we have an agreement on this but will communicate with Don separately to ensure such and make sure we write down what we have agreed to.
- 7. "Bit for Bit" copy of the disk drive #17: Unfortunately, Mr. Mayder is not open to producing his disk drives. We have discussed the situation in detail with him as of this morning. He has very clearly instructed us to negotiate other less evasive solutions or allow the court to decide. Therefore, I am open to suggestions or proposals that you may have. If you decide to make a motion regarding this discovery request, please confirm that the schedule discussed yesterday will work for you or please suggest an alternative.

Details of Production:

Emails with attachments immediately following as per the RFPs. Bates numbers 50,201 to 50.864.

Renumbering of the HP12-4 filed from Bates codes 6269-6316 renumbered to 50,865 to 50,912. Production of Andreia Mayder's yahoo email account as per the RFPs. Bates number 50,913 to 50,920.

Kevin

Kevin Pasquinelli, Esq.

Mount & Stoelker P.C. RiverPark Tower, Suite 1650 333 W San Carlos San Jose, CA 95110 Tel: (408) 279-7000 x1126

Fax: (408) 998-1473

e-mail: kpasquinelli@mount.com

This e-mail, and any attachments thereto, is intended only for use by the addressee(s) named herein and may contain legally privileged and/or confidential information. If you are not the intended recipient of this e-mail, you are hereby notified that any dissemination, distribution or copying of this e-mail, and any attachments thereto, is strictly prohibited. If you have received this e-mail in error, please immediately notify Mount & Stoelker, P.C. at (408) 279-7000 and permanently delete the original and any copy of any e-mail and any printout thereof.

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85599.html	David Schneck to Romi	latest from	4/30/07	Entire email is	Attorney Client
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85600.html	David Schneck to Romi	Proposed	4/30/07	Entire email is	Attorney Client
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BERGESON, LLP

ATTORNEYS AT LAW

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SAN JOSE, CALIFORNIA 95110

TELEPHONE (408) 291-6200

FACSIMILE (408) 297-6000

WWW.BE-LAW.COM

September 28, 2007

Via Facsimile

Daniel S. Mount, Esq. Kevin M. Pasquinelli, Esq. MOUNT & STOELKER PC River Park Tower, Suite 1650 333 W. San Carlos San Jose, CA 95110

Re: Verigy US, Inc. v. Romi Omar Mayder, et al.

USDC, N. District of Calif., Case No. C07 04330 RMW (HRL)

Dear Messrs. Mount and Pasquinelli:

This letter memorializes our in-person meet and confer session on Wednesday afternoon, September 26, 2007 as well as subsequent communications the following day, September 27.

Present at the September 26 session were both of you, me, and my colleagues, Jay Fowler and Mindy Morton. You agreed to amend, by next Tuesday, October 2, 2007, your responses to Verigy production requests nos. 10 and 24 to clarify that no responsive documents have been produced because none exist to your client's knowledge.

You agreed to amend, by October 2, your response to request no. 17 and to produce bit for bit copies of all hard drives of your clients. You agreed that the production would be in the form of a disk sent to an independent third party expert, who — in order to avoid any disclosure of privileged matter — would in turn segregate and generate a list of communications involving or naming specifically identified attorneys (in effect, a privilege log relating to such material). The remainder of the bit for bit copies would be immediately turned over to our office. We would also have the right to challenge whether the ostensibly privileged communications were in fact privileged. However, in an email the following day, September 27, Mr. Pasquinelli disavowed the agreement:

'Bit for Bit' copy of the disk drive #17: Unfortunately, Mr. [Romi] Mayker is not open to producing his disk drives. We have discussed the situation in detail with him as of this morning. He has very clearly instructed us to negotiate other less evasive solutions or allow the court to

AFFILIATED COUNSEL: BERGESON & CAMPBELL WASHINGTON, D.C. 20005 BERGESON, LLP

Daniel S. Mount, Esq. Kevin M. Pasquinelli, Esq. September 28, 2007 Page 2

decide. Therefore, I am open to suggestions or proposal that you may have. If you decide to make a motion regarding this discovery request, please confirm that the schedule discussed yesterday will work for you or please suggest an alternative.

This is unfortunate. You have twice agreed to produce bit for bit copies, initially on August 29, 2007 and again in our meet and confer session on September 26. Please ask Mr. Mayder to reconsider his position of reneging on agreements reached on his behalf by his counsel. Otherwise, as I mentioned in my voicemail to you this morning, we will be required to go forward with a motion to compel.

In our September 26 meeting, we agreed to disagree whether you would produce copies of provisional and utility patents in response to request nos. 22-23. However, the following day, on September 27, Mr. Pasquinelli proposed to me and we agreed in a telephone conversation that you would produce such documents in return for our agreement to return allegedly privileged documents produced by you that you assert were produced inadvertently. We cannot agree, however, to such as procedure as to an email Bates Nos. SITES001585-86, which you contend is privileged. This is an email from Romi Mayder to Richard Foster, who is not an attorney. Therefore, it is not privileged, whether or not you meant to produce it or not. Also, the attachment to SITES001742-43 appears not to be privileged based on the description of it in the ostensibly privileged email from Romi Mayder to his patent counsel, Dave Schneck: the attachment appears to be a presentation made to a potential customer. We have no way of knowing currently whether such attachment has been produced; if not, it needs to be.

In our September 26 meeting, you agreed to provide a CD the next day, September 27, with emails previously produced – but this time together with their attachments immediately following, with new Bates numbers. We understand that this was done and that the CD is available for us for pick-up. You also agreed to produce, by October 2, emails from Wes Mayder. And you agreed to review your designations of all documents produced and to re-designate as appropriate by October 25.

You also agreed to produce documents as reflected in your email to Ms. Morton and Mr. Fowler of September 27 at 1 pm.

Regards, Sulle for

Donald P. Gagliardi

DPG:gs